

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

S&S INNOVATIONS CORP.,

Plaintiff,

Hon. Hala Y. Jarbou

v.

Case No. 1:18-cv-1377-HYJ

UUSI, LLC, et al.,

Defendants,

SHOW CAUSE ORDER

This matter is before the Court on two motions: Plaintiff's motion for attorneys' fees (ECF No. 63) and Plaintiff's motion for an order requiring Defendants to deliver all materials that infringe Plaintiff's intellectual property rights (ECF No.74). The Court issued two separate notices scheduling a hearing for today's date. (*See* Notice, ECF No. 83, 84).

The Court opened Court for the hearing as scheduled. Counsel for Plaintiff appeared. Counsel for Defendants, Kenneth B. Morgan, did not. Nor has Mr. Morgan contacted the court regarding this matter. Unfortunately, Mr. Morgan has developed a habit of non-appearance.

On July 27, 2020, Mr. Morgan failed to appear at a hearing scheduled to address Plaintiff's motion to compel discovery (ECF No. 37). (*See* Minutes, ECF No. 43). The Court issued an order that same day, requiring counsel to

appear in person on August 10, 2020, to show cause why he should not be held in contempt or otherwise sanctioned for his failure to appear. (ECF No. 44).

Mr. Morgan failed to appear at the August 10, 2020, hearing. (*See* Minutes, ECF No. 45). The Court then issued another show-cause order, requiring Mr. Morgan to personally appear on August 18, 2020, to explain his failures to appear. (ECF No. 46). That order noted that Mr. Morgan's failure to appear at the August 18 hearing may result in a warrant for his arrest. (*See id.* at PageID.669).

Mr. Morgan appeared for the August 18, 2020, hearing, and he offered his explanation for his previous failures to appear. The Court accepted his explanation, but awarded costs against Mr. Morgan in favor of Plaintiff in the amount of \$6,915.00. (ECF No. 50, 57). Mr. Morgan was given thirty days to pay the award. (ECF No. 57, PageID.867).

Mr. Morgan failed to make the payment as ordered, however, and Plaintiff filed a motion for a show-cause order. (ECF No. 58). On December 30, 2020, the Court conducted a hearing on that matter, at which all counsel appeared. (Minutes, ECF No. 61). The Court granted the motion, in part, ordering Mr. Morgan to pay the award of costs by January 8, 2021. (ECF No. 62). The Court also admonished Mr. Morgan **“that future failure to timely comply with the Court's orders may result in additional sanctions, including contempt.”** (*Id.* at PageID.877) (emphasis in original).

Plaintiff filed its second motion for attorneys' fees on January 4, 2021. (ECF No. 63). Plaintiff filed its motion for delivery all infringing materials on January 15, 2021. (ECF No. 74). Defendants have failed to respond to either motion. On February 2, 2021, the Court scheduled a hearing on the second motion (ECF No. 74) for today's date. (*See* Notice, ECF No. 83). A second notice of the same hearing, adding the attorneys' fee motion, was issued yesterday. (*See* Notice, ECF No. 84). Mr. Morgan failed to appear. Accordingly,

IT IS ORDERED that Kenneth B. Morgan, counsel for Defendants, shall appear in person on **February 17, 2021, at 11:00 a.m.** before Magistrate Judge Phillip J. Green, 601 Federal Building, 110 Michigan Street N.W., Grand Rapids, Michigan, to **SHOW CAUSE** why he should not be held in contempt, or otherwise sanctioned, for his failure to appear as ordered by the Court. **Failure to appear at the show-cause hearing may result in the issuance of an arrest warrant.**

IT IS SO ORDERED.

Date: February 11, 2021

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge